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DATE FILED: 2/15/11

Hellerstein, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x 21MC102 (AKH)  
IN RE WORLD TRADE CENTER :  
LOWER MANHATTAN DISASTER : ZBIGNIEW  
SITE LITIGATION : KUCHARSKI  
08 CV 9069

ALONSO  
ESPINOZA  
08 CV 9720

SLAWOMIR  
LEJTMAN  
08cv5709

Stipulation of  
Discontinuance  
AS TO DEFENDANT  
MARCOR  
REMEDICATION, INC.  
ONLY

-----x  
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued, **AS AGAINST DEFENDANT MARCOR REMEDIATION, INC. ONLY WITH RESPECT TO 140 WEST STREET, NEW YORK, NEW YORK**, *without prejudice*, without costs to either party as against the other.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that should facts or circumstances derive from future discovery, or otherwise, come to light that indicates a relationship to the litigation and a basis of a claim against the defendant for whom this Stipulation is being entered, and/or should it come to light that the information provided

by said defendant in support of it's request of discontinuance at this time, be discerned in the future to have been inaccurate, false or misleading, plaintiff may re-assert it's claim against said defendant by motion, stipulation or otherwise, and without the necessity of additional service of process, and in no event will said defendant raise any statute of limitations defense other than as may have been asserted based upon the date of filing of the original action, at the time that the action was originally commenced against said defendant.

This Stipulation may be filed without further notice with the Clerk of the Court and defendant will obtain, if necessary, any Judicial "So Order" of this Stipulation and any other signatory, if necessary.

Dated: New York, New York  
February 9, 2011

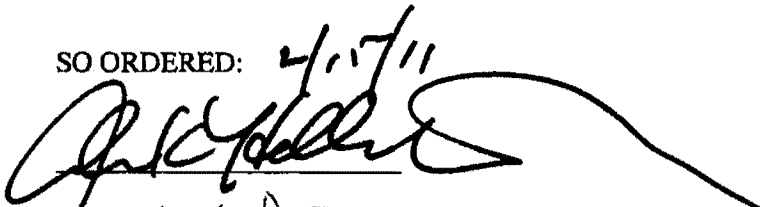


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SO ORDERED: 4.17.11

  
U.S. D. J.